A note from...

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Use of Force Subcommittee Members

SUBJECT: Brief in Advance of the Use of Force Subcommittee Meeting on August 18, 2020

Use of Force Subcommittee,

In advance of the Use of Force Subcommittee (UOFSC) meeting on August 18, 2020, what follows is general information on the agenda items.

Items to Review

- Reportable Non-Categorical Use of Force Incidents; AND, Categorical Use of Force-Definitions- Revised (K-9 Bite / Contact language).
    - This item has been ongoing for some time, but most recently was reviewed by the UOFSC on May 12, 2020.
    - The principle language was agreed to, and that language was forwarded to Risk Management and Policies Division (RMPD) for final fitting into the Department Manual.
        - While RMPD worked on the agreed upon language, they discovered that the language was written into a section of the manual that had been updated during the near two years of work on the item.
        - RMPD incorporated the agreed upon language into the revised manual section.
            - These RMPD edits differ from the principal agreed upon language mainly in section 245.05. The differing edits include; section title change, revised language on investigative responsibility of Categorical Uses of Force, and a revised definition of a Non-Categorical Use of Force Incident.
    - The Los Angeles Police Protective League (LAPPL) and Employee Relations Group (ERG) have had previous "Meet and Confer" discussions regarding this item, particularly previous draft language. Both ERG and the LAPPL are awaiting the final approved language to finish the "Meet and Confer" process.
        - ERG estimates an approximate four week timeframe to complete the "Meet and Confer" process with the LAPPL once they have received the final approved language.

- Pressure to the Neck.
    - There was discussion at the last UOFSC meeting that focused around "pressure to the neck" by Department employees and the need to take a thorough look at any references in Department materials.
    - My Office researched Department publications relative to "pressure to the neck", and that research is attached to the Agenda.

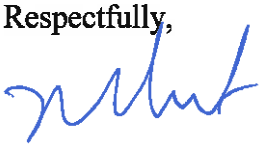
Discussion on Items

- Critical Incident Video Release. There was discussion at the last UOFSC about potentially revisiting this policy. The current policy is attached to the Agenda.
    - The Office of Constitutional Policing and Policy was the Department lead in drafting this policy.
- Beanbag Shotgun. Two points of discussion arose from the last UOFSC regarding the Beanbag Shotgun Use of Force-Tactics Directive (UOFTD). Those discussion points and a brief explanation of both are as follows:
    - Redundancy in the protocol section.
        - The less-lethal control device Use of Force-Tactics Directives (UOFTDS), which include Beanbag Shotgun, 40mm LLL, TASER, OC, Baton, were all revised with final publication in July 2018. The revision was mainly directed to the protocol section of the UOFTDs specific to the legal permissibility of their use. All five of the less-lethal control devices have the same legal threshold for use, and so the UOFTD's were changed to reflect this. All five of the revised UOFTDs protocol sections are identical except for the names of the devices change. Prior to the July 2018 revisions, all the less-lethal UOFTDs had varying protocols for their usage.
        - The redundancy in the protocol section regarding the circumstances in which a device was permissible was intended to make clear the policy and legal considerations for their use. The redundancy and uniformity of language directly assisted field personnel, minimizing previous ambiguity and uncertainty.
        - The below chart illustrates the Departments use of less lethal control devices to include 2017 (pre UOFTD change), 2018 (new UOFTDs introduced), and 2019 (first full year of the new UOFTDs):

	2017	2018	*Diff V 2017*	2019	*Diff V 2017*
Beanbag Shotgun	97	60	*-38.1%*	48	*-50.5%*
40mm LLL	11	33	*200.0%*	62	*463.6%*
TASER	580	314	*-45.9%*	282	*-51.4%*
Baton	22	24	*9.1%*	33	*50.0%*
OC	32	20	*-37.5%*	20	*-37.5%*
Total	742	451	*-39.2%*	445	*-40.0%*

        - A change to one UOFTD protocol section could necessitate a change to all UOFTD protocol sections.
    - Crowd Control Situations
        - The less-lethal UOFTDs provide limited direction for the use of the devices in crowd control situations, with the exception of the Baton UOFTD which provides extensive direction in crowd control situations. UOFTD 11, "Crowd Management, Intervention, and Control," also provides direction on the use of less-lethal devices in a crowd intervention situation. UOFTD 11 was published in 2011 and has not undergone revision since.
        - Recent civil unrest has underscored the need for training updates, which are currently being formulated and formalized.
- Re-look at the Carotid Restraint Control Hold Documents.
    - In regards to the moratorium, the Department has ceased all instruction and has rescinded the UOFTD relative to the Carotid Restraint Control Hold.

Respectfully,



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